

REMARKS

Claims 1-14 are all the claims pending in the application.

Claim Rejections - 25 U.S.C. § 103(a) - Claims 1, 5, 6, 10, 11 and 13

The Examiner rejected claims 1, 5, 6, 10, 11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Dureau et al (US 6,118,472; Dureau) in view of Gerszberg et al. (US 2002/0012353). Applicant traverses this rejection as follows.

The Examiner applies Dureau, alleging it discloses most of the features recited in the rejected claims, but concedes Dureau fails to teach or suggest entering data using a telephone. To remedy this deficiency, the Examiner applies Gerszberg, alleging it teaches or suggests incorporating telephone functionality into a remote control (FIG. 17), for the benefit of enhancing a user's remote control to include telephone functionality.

In support of the combination, the Examiner alleges that it would have been obvious for one skilled in the art to modify the method and system of Dureau to incorporate telephone functionality into the remote control 55 as taught by Gerszberg for the benefit of enhancing said remote control to include telephone functionality, wherein when the remote control 55 disclosed by Dureau is a telephone, request data entered using said remote is entered using a telephone.

Applicant submits that even if combined as attempted by the Examiner, the combination of Dureau and Gerszberg fails to teach or suggest, "entering data using a telephone, said data indicating an operation desired by a user and sending the data to a provider's server."

The Gerszberg /Dureau combination fails primarily because although Gerszberg teaches providing a handset 200 with standard telephone functionality, merely providing this technology in the remote control 55 of Dureau does not teach or suggest that the data entered using the

telephone functionality would work with the service provider 13 and the broadcast center 12 of Dureau. In other words, merely changing the remote does not permit a modification of the system of Dureau, which itself does not disclose any telephone type functionality. For example, Gerszberg teaches that for the telephone control functions to work properly, they must work in conjunction with the appropriate software. (par. [0087]) This software runs in set-top controller 402, and/or controller 102 in the IDS 22, such that unique control of the incoming and outgoing (local) video and/or audio components of a telephone call may be performed. (par. [0087]). Absent this necessary feature, Dureau is not capable of processing the telephone control functions. Thus, decoder 45 of Dureau would be unable to send the data entered using the telephone control functions to gateway 70.

Furthermore, while data may be entered using the remote control 55 modified with telephone type control functions, the combination attempted by the Examiner does not provide the necessary support to meet the features recited in independent claim 1. In particular, while data may be entered using the remote control 55 as a telephone, there is no support that this telephone data, which Gerszberg teaches is video and audio components of a telephone call, functions as the recited “data.” Specifically, to meet all the feature of independent claim 1, the data must indicate an operation desired by a user that causes the provider’s server to carry out the desired operation and then generate display data showing the result of the operation. (See claim 1). Additionally, this data must be received using a broadcast station, which radio-transmits the display data. There is no support that Gerszberg transmits or receives any telephone data in this manner. Thus, the cited combination fails to support entering data using a telephone, as recited.

For at least the above reasons, Applicant respectfully submits that independent claim 1 is allowable over the applied combination.

Because claim 6 requires subject matter analogous to that described above with respect to claim 1, Applicant submits that claim 6 is allowable for analogous reasons. Furthermore, Applicant submits that claim 5, 10, 11 and 13 are allowable, at least because of their dependency.

Claim Rejections - Claims 2, 3, 7 and 8

Claims 2, 3, 7 and 8 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claims 1 and 6, and in further view of Shimomura et al. (US 6,526,590; “Shimomura”).

Applicants respectfully submit that because Shimomura, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 2, 3, 7 and 8 are allowable, at least because of their dependency.

Claim Rejections - 35 U.S.C. § 103(a) - Claims 4, 9, 12 and 14

Claims 4, 8, 12 and 14 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claim 1 and 6, and in further view of Majeti et al. (US 5,534,913; “Majeti”).

Applicants respectfully submit that because Majeti, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 4, 8, 12 and 14 are allowable, at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the


Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 09/828,165

Atty. Dkt. Q63951

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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